

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

CLERK, U.S. DISTRICT COURT
RECEIVED
JUN 27 2018
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LARRY COLEMAN HICKS TDCJ # 821431
Plaintiff's Name and ID Number

SMITH COUNTY JAIL
Place of Confinement

CASE NO. 6:18CV308 RWS-JDL
(Clerk will assign the number)

v.

MATT BINGHAM 100 NORTH BROADWAY TYLER, TX 75702
Defendant's Name and Address

Defendant's Name and Address

Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ~~YES~~ ☒ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____
2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
3. Court: (If federal, name the district; if state, name the county.) _____
4. Cause number: _____
5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?) _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: SMITH COUNTY JAIL TYLER, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? X YES ___ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: LARRY COLEMAN HICKS
SMITH COUNTY JAIL
TYLER, TX

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: MATT BINGHAM, HEAD DISTRICT ATTORNEY, SMITH COUNTY
COURTHOUSE 100 NORTH BROADWAY TYLER, TX 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

HAS ME HELD IN JAIL ON TWO BOGUS WARRANTS.

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

PAROLE OFFICER KARL GENTLY MADE A WARRANTLESS ENTRY INTO MY HOUSE,
THEN I WAS ARRESTED AND BROUGHT TO THE SMITH COUNTY JAIL. IT HAPPENED
AT MY HOUSE IN CHAPEL HILL, TX AT 12112 PM 848 TYLER, TX 75709 75707.
IT HAPPENED ON MAY 21, 2018. INVOLVED WAS:

MATT BINGHAM LEAD DISTRICT ATTORNEY

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I WANT THE COURT TO OPEN A SUIT

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

LARRY COLEMAN HICKS, COLEMAN LARRY HICKS

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

~~TDCJ~~ ^{TDCJ} ~~#821431~~, ^{TDCJ} #1839986, SID # 5177549, FBI # 737063AB9

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES ☒ NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 6/24/18
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 24th day of JUNE, 20 18.
(Day) (month) (year)

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

HONORABLE JOHN D. LOVE-MAGISTRATE TYLER, TEXAS

JUNE 13, 2018

I REALLY DON'T KNOW WHAT YOU CAN DO TO HELP ME, BUT I WILL EXPLAIN MY SITUATION AND LEAVE IT COMPLETELY UP TO YOU AND THE LORD IN HEAVEN ABOVE.

AS YOU ALREADY KNOW, I'M IN JAIL, BUT I HAVE NO IDEA HOW I WAS ARRESTED, BECAUSE THE WARRANTS WEREN'T WRITTEN UNTIL THE DAY AFTER I GOT HERE.

A MAN NAMED KARL GENTRY RAN INSIDE MY HOUSE AND TOOK A PICTURE OF ME, AND, WHEN I TRIED TO STOP HIM, HE REACHED FOR HIS PISTOL. HE WAS NOT WEARING A UNIFORM, HE WAS DRIVING AN UNMARKED CAR, AND HE DID NOT HAVE PERMISSION TO BE IN MY HOUSE. HE CLAIMS HE IS A PAROLE OFFICER AND A LEVEL TWO PEACE OFFICER, BUT SINCE HE WAS PERFORMING AN UNSCHEDULED HOME VISIT WITHOUT A WARRANT, I HAVE YET TO SEE WHY EITHER OF THOSE MATTER.

ON MAY 18, 2018, I WAS RELEASED FROM SMITH COUNTY JAIL AFTER RECEIVING A LEG MONITOR. ON SUNDAY MAY 20, 2018, I CUT IT OFF DUE TO A MEDICAL CONDITION. THIS INTERRUPTION CODE IS WHY KARL GENTRY MADE AN UNSCHEDULED VISIT AT MY HOUSE, BUT IT DOES NOT EXPLAIN WHY HE NEEDED A PICTURE OF ME HALF NAKED INSIDE MY HOUSE, OR WHY HE RAN FROM AGENCY TO AGENCY SHOWING IT TO EVERYONE WHO WANTED TO SEE IT. HE EVEN TRANSMITTED IT OVER THE INTERNET TO AUSTIN TO THE TEXAS BOARD OF PARDONS AND PAROLES TO BE USED AGAINST ME IN A CRIMINAL PROCEEDING. I KNOW THIS BECAUSE THE TYLER DISTRICT PAROLE OFFICE PRINTED THE PICTURE AND INCLUDED IT IN A VIOLATION REPORT THAT THEY INTEND TO USE JUNE 21, 2018 IN A HEARING.

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I GUESS I SHOULD TELL YOU EVERYTHING, BECAUSE IF YOU READ WHAT THEY'VE WRITTEN AT THE PAROLE OFFICE AND SHERIFF'S OFFICE YOU'LL GET LOST IN THE LIES.

BEFORE I GO ANY FURTHER, I WANT YOU TO KNOW THAT I'VE GOT THE ENTIRE EPISODE RECORDED ON MY IPHONE. THANK THE LORD IN HEAVEN THAT HE GAVE ME THE THOUGHT TO TURN ON THE PHONE'S RECORDER AS SOON AS SMITH COUNTY DEPUTIES BEGAN BANGING ON THE DOOR, AND, IT CONTINUED RECORDING THEIR LIES, EVEN AFTER I WAS ARRESTED, AND, WHILE THEY WERE SEARCHING MY MOTHER'S HOUSE.

THE PHONE WAS BY THE FRONT DOOR, AND, IF YOU TURN IT UP LOUD ENOUGH, YOU WILL ACTUALLY HEAR DEPUTY DAVID BIGGS' SIDE OF THE PHONE CONVERSATION WITH ME.

ONCE I WAS ARRESTED, THEY SEARCHED MY MOTHER'S BEDROOM, AND, ON TOP OF A 7' CHEST OF DRAWERS, THEY LOCATED MY BROTHER'S 22 CALIBER PISTOL THAT HE GAVE TO HER FOR PROTECTION WHILE I WAS INCARCERATED IN ISF, AND, THEY ACTUALLY LIED AND DISCUSSED IT AMONGST THEMSELVES AS TO WHERE THEY WOULD SAY THEY FOUND IT, IN ORDER TO CHARGE ME WITH FELONY IN POSSESSION OF A FIREARM.

~~A~~ NOW, I WILL TELL YOU WHAT HAPPENED THAT MONDAY AT 3:45 PM THAT LED UP TO THE RECORDING THAT STARTED AT APPROXIMATELY 5:00 PM, AND I HOPE YOU WILL INVESTIGATE THEM JUST AS WILLIAM WAYNE JUSTICE DID WHEN HE WAS ON THE BENCH.

I WAS AT HOME ~~WHEN~~ LAYING IN THE BED, ~~TO~~ TRYING TO RECOVERATE FROM THE TINNITUS CAUSED BY THE MONITOR AND THE CELLULAR BOX KARL GENTRY PLACED ON MY LEG AND IN MY MOTHER'S HOUSE, RESPECTIVELY, WHILE I WAS AWAITING RELEASE FROM THE SMITH COUNTY JAIL, WHICH HAPPENED AT APPROXIMATELY 6:00 PM

FRIDAY, MAY 18, 2018, AND, UNDER INSTRUCTION TO REPORT WITHIN 24 (TWENTY-FOUR) HOURS OF MY RELEASE, EXCLUDING WEEKENDS AND NATIONAL HOLIDAYS, AND, I WAS INSTRUCTED TO DO THIS BY MY PAROLE OFFICER, A BLACK LADY NAMED SHELLA COLEMAN. SHE WAS AT THE JAIL, IN THE CONFERENCE ROOM, WHEN KARL GENTRY CAME AND PLACED THE MONITOR ~~ON~~ DEVICE ON MY LEFT LEG. ~~HE~~ NEVER MADE EYE TO EYE CONTACT WITH ~~ME~~ HIM, EVEN THOUGH HE SAYS I DID, AND I DON'T REALLY BELIEVE HE EVER LOOKED ME IN THE EYE. IF HE DID, SURELY HE ~~IS~~ CAN TELL YOU WHAT COLOR MY EYES ARE.

I WAS RELEASED AND WENT HOME AND QUICKLY BEGAN SUFFERING FROM TINNITUS. BY SUNDAY, I HAD ALL I COULD STAND AND DECIDED TO CUT-OFF THE LEG MONITOR DEVICE AND UNPLUG THE CELLULAR BOX. NO ONE FROM THE PAROLE OFFICE CALLED, SO I ASSUMED THEY WOULD WAIT FOR ME TO REPORT AND EXPLAIN WHY I COULDN'T WEAR THAT PARTICULAR-TYPE DEVICE. I HAVE WORN AND COMPLETED THE LANDLINE-TYPE DEVICE IN THE PAST. IT IS THE CELLULAR-TYPE DEVICE THAT CAUSES PHYSICAL AND MENTAL ISSUES. ANYONE WITH TINNITUS WILL SURELY UNDERSTAND.

MONDAY, AT APPROXIMATELY 3:45 PM, SOMEONE RANG THE FRONT-DOOR DOORBELL, SO I THREW ON A T-SHIRT AND WENT TO SEE WHO IT WAS AND DISCOVERED NO ONE THERE, SO I PROCEEDED TO THE OTHER DOOR THAT LEADS INTO THE GARAGE. AS YOU WILL SEE FROM THE PICTURE, I NEVER LEFT THE SECURITY OF THE HOUSE. I MERELY OPENED THE OUTER GLASS DOOR TO HEAR WHO HAD COME CALLING, AND THAT'S WHEN KARL GENTRY CAME RUSHING INTO MY HOUSE HOLDING AN IPHONE WITH BOTH HANDS TO KEEP HIS CAMERA STEADY WHILE TAKING A PICTURE OF ME HALF NAKED. APPARENTLY, KARL

GENTRY HAD WENT TO THE REAR OF THE HOUSE BY ENTERING A LOCKED GATE, BECAUSE HE CAME FROM THE NORTH-SIDE OF THE HOUSE, WHICH IS A BLANK, WINDOWLESS WALL PROVIDING NO VIEW INTO THE HOUSE, AND IT IS OBVIOUS THAT HIS INTENTIONS WERE TO VIEW INSIDE THE HOUSE AND PHOTOGRAPH ME HALF NAKED, AND THEN USE THE PICTURE TO GET A WARRANT FROM WHOEVER WOULD SUPPLY ONE, AND, AS IT TURNED OUT, IT WAS THE PAROLE DIVISION WHO SUPPLIED THE WARRANT TO THE SMITH COUNTY SHERIFF'S DEPARTMENT, AND THEY USED A MILITARY-TYPE TANK TO BREAK THROUGH THE FRONT DOOR, INSTEAD OF PROVIDING ME WITH THE WARRANT AND ALLOWING ME THE OPPORTUNITY TO EXIT THE HOUSE WILLINGLY. I HAD ALREADY BEEN INVADED EARLIER THAT DAY; I WAS VERY LEERY ABOUT LETTING ANYBODY INSIDE MY HOUSE WITHOUT AUTHORIZATION, NAMELY, A VALID WARRANT, WHICH BRINGS US TO THE QUESTION OF WHETHER OR NOT A "DESIGNER" IN AUSTIN NAMED DENNIS ANDERSON CAN WRITE A WARRANT UNDER GOVT CODE 508.252 USING TAINTED EVIDENCE OBTAINED ILLEGALLY?

WHEN I WAS BOOKED INTO THE SMITH COUNTY JAIL, I WAS BOOKED IN FOR A MERE PAROLE VIOLATION, IT WASN'T UNTIL THE NEXT DAY THAT ANY ACTUAL WARRANTS WERE WRITTEN, AND THEY WERE WRITTEN USING THE SAME TAINTED INFORMATION, AS WELL AS A BUCKET-FULL OF LIES TOLD BY EVERYONE INVOLVED IN THE PROCESS.

YOUR HONOR, ~~AGAIN~~ I HOPE I'VE GIVEN YOU ENOUGH INFORMATION TO INTEREST YOU IN MY CURRENT SITUATION. IF SO, PLEASE ADVISE ME AS TO HOW, WHEN, AND WHERE YOU WANT MY IPHONE DELIVERED. I WILL GIVE YOU ALL OF THE INSTRUCTIONS YOU NEED TO LISTEN TO AND/OR MAKE A DUPLICATE OF THE RECORDING.

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JUNE 13, 2018

I, LARRY COLEMAN HICKS, BEING OF SOUND MIND AND ABOVE (14) FOURTEEN YEARS OF AGE, AM AUTHORIZING THE HONORABLE FEDERAL MAGISTRATE OF TYLER, TEXAS, JOHN D. LOVE, TO ACCESS MY IPHONE 6, WITH A TELEPHONE NUMBER OF 903-539-8343, AND MY iCloud IN ANY FORM OR FASHION DEEMED NECESSARY TO BRING FORTH EVIDENCE I HAVE COLLECTED AGAINST SMITH COUNTY AND THE TYLER DISTRICT PAROLE OFFICE.

MOST SINCERELY,

Larry Coleman Hicks

LARRY COLEMAN HICKS

SCJ # 62602

SMITH COUNTY JAIL

206 E ELM

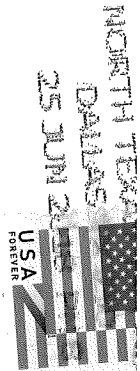
TYLER, TX 75702

Document 1

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TO THE HONORED JOHN D. LOVE, UNITED STATES MAGISTRATE AT TYLER, TEXAS
BILLYAM M. STEER BUILDING AND UNITED STATES COURTHOUSE
211 WEST FERGUSON STREET
TYLER, TEXAS 75702

2007-08-09

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